



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,465	05/05/97	ROBINSON	E INT21246

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AIR MAIL

JONES, L

EXAMINER

3743

ART UNIT

PAPER NUMBER

*19/13/99*  
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/851,465</b>	Applicant(s) <b>EDGER C. ROBINSON et al</b>
	Examiner <b>LARRY JONES</b>	Group Art Unit <b>3743</b>

Responsive to communication(s) filed on amendment filed 6/30/1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-8 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

- received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**OFFICE ACTION: RESPONSIVE TO AMENDMENT FILED June 30, 1999**

Claims 1-8 are presented for reconsideration.

**REJECTIONS UNDER 35 U.S.C. § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1-8 as unpatentable over Daneshvar et al in view of Velie ('188), as not applied to newly amended claim one and dependent claims two through eight.

**REMARKS**

**Applicant's arguments filed June 30, 1999 have been fully considered but they are not deemed to be persuasive.**

Applicant argues that the claims specifically require that the compressor supplies air under pressure to the air aspiration nozzle and that fuel is supplied at ambient pressure to the nozzle. Additionally, they argue that the patent to Velie ('188) teaches the use of a pressurized fuel and air to the nozzle at atmospheric pressure.

Velie ('188) clearly discloses that means may be "provided in the pressure line from the air compressor to regulate the primary air pressure to the air-atomizing nozzle" (column 2, lines 46-52). Additionally, he describes the definition of an air-atomizing nozzle, in which air is delivered to the nozzle at 1 to 25 p.s.i and fuel at 1 to 4 p.s.i.. Velie ('188) additionally claims in claim 26, an embodiment of his invention in which "primary air and fuel are each delivered to said air-atomizing nozzle means at a pressure of about 1 to 15 psi.". As average atmospheric pressure is

**UNITED STATES UTILITY PATENT APPLICATION SERIAL NO. 08/851,465**  
**PART III: DETAILED ACTION**

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Pg.3

14.7 psi this is a clear teaching of use of an air supply under pressure to the air-aspirated nozzle (the specific pressure is not specified in the claim) and fuel at ambient pressure (taken as average atmospheric pressure, 14.7 psi) to the nozzle. Accordingly, modification of Daneshvar to incorporate the teaching of Velie ('188) would be obvious to one having ordinary skill in the art at the time the invention was made.

**FINALITY OF THIS OFFICE ACTION**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

UNITED STATES UTILITY PATENT APPLICATION SERIAL NO. 08/851,465  
PART III: DETAILED ACTION

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Pg. 4

GUIDE TO COMMUNICATING WITH THE PTO REGARDING THIS APPLICATION

Inquiries regarding this or earlier communications from the Examiner should be directed to me, **Larry Jones** at telephone number **(703) 308-1933**. My normal working hours are **9:30 a.m. to 6:00 p.m. (ET), Monday through Friday**.

An inquiry of a general nature or relating to the status of this application should be directed to the **Group Receptionist** whose telephone number is **(703) 308-0861**. The Receptionist is available **8:30 a.m. to 5:00 p.m. (ET), daily**.

Fax transmissions may be made to the **Art Unit 3743** fax number **(703) 308-7764**. Any transmitted document should clearly identify the application (by serial number) and the Examiner (**Larry Jones**) to whom the document is directed. **The fax reception facility is available 24 hours a day.**

September 10, 1999



LARRY JONES  
PRIMARY EXAMINER  
ART UNIT 3743